

### **REMARKS**

In the Office Action, claims 1-10, 12-22 and 24-34 were rejected. All pending claims are believed to be clearly allowable. Reconsideration and allowance of all pending claims are requested.

#### **Rejections Under 35 U.S.C. §103**

Claims 1-10, 12-22 and 24-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,182,432 (hereinafter "Lange") in view of U.S. Patent 6,794,882 (hereinafter "Jessup") and in view of U.S. Patent 6,150,927 (hereinafter "Nesbitt"). Claim 1, 12, 19, 22, 24 and 28 are independent. All of the recited claims are believed to be patentable as discussed below.

Applicants contend that absolutely no suggestion or motivation can reasonably be advanced for combining the references. In essence, Jessup's approach to sounding an alarm to combat vandalism is simply grossly unnecessary for Lange's headlight crack indicator, which one skilled in the art would liken to low fuel alarms, low tire pressure alarms, door ajar alarms and the like. Such alarms *do not* give rise to messages or notices transmitted to remote locations or monitoring systems, and nothing in the art suggests that they should.

#### **Independent Claims 1, 12, 19, 22, 24 and 28 and Claims Depending Therefrom**

Lange discloses a circuit arrangement for a *motor vehicle headlight* with at least one electrically conductive heating element mounted on or in an enclosing light-transmissive shield. A switching-on apparatus allows for powering the heating element to avoid coating and ice build-up to and provide crack-monitoring of the light transmissive shield by coupling of the heating element with an analyzing apparatus. Applicants submit that Lange fails to teach or suggest transmitting a signal indicative of a loss of electrical continuity in a conductor to a remote location. Because the vehicle

driver is apparently alerted of any breakage, there is absolutely no need in Lange for communicating the breakage to a remote location.

Jessup discloses a *rupture detector for a windshield assembly* having one or more transparent members. The rupture detector includes a conductive member attached to a portion of the transparent member. Additionally, Jessup discloses an *alarm mechanism, such as an audio alarm or a visual alarm*, that is configured to initiate an alarm action in response to a crack in the windshield assembly. While Jessup discloses initiating an alarm in response to a crack, Applicants stress that Jessup fails to suggest or teach transmitting a signal indicative of a loss of electrical continuity in a conductor to a remote location. Here again, because Jessup relies upon the alarm, no signal is sent to any remote location.

Nesbitt teaches an *anti-vandalism detection and alarm system* for detection and reporting the scratching of relatively hard materials which generate characteristic sound or vibration frequencies during scratching, and detecting and reporting the cutting and slashing of relatively soft materials. In addition, Nesbitt teaches activating a radio to broadcast an alarm report to a reporting device that is remote from the vehicle, where the *alarm report is indicative of an act of vandalism*.

Applicants stress that it is not surprising that an anti-vandalism detection system would transmit an alarm signal to a remote location. Accordingly, Applicants stress that while Nesbitt teaches an anti-vandalism detector such as methods and systems for detecting breakage and defacing of materials such as glass and plastic, there is no suggestion in Nesbitt to relate to detection of a crack in a lens. That is, Nesbitt does not consider breakage of a headlamp as warranting remote communication as it does not constitute intrusion or vandalism.

The pending claims recite systems and methods for monitoring the condition of a lighting system, such as a railroad signal lens. The system or method includes transmitting or providing *a signal to a remote location, representative of a state of continuity of the conductor or indicative of the operational state of the lens.* For embodiments such as for railroad signal lenses monitoring, the transmission and communication of the condition of the lighting system to a remote location where an observer may be located, is important as it can enable replacement of a cracked railroad signal lens or reflector or other remedial action, when necessary.

The Examiner further argued that the system claimed by the Applicants will detect a crack within a lens of a light by detecting a break in a conductor placed within the lens, and that this is taught by Lange. The Examiner further argued that both Jessup and Nesbitt are used as secondary references to teach that it is known in the art to detect a break or crack within a lens or glass associated with a vehicle (as in Lange) and initiate an alarm, and that Nesbitt further discloses a notice of such detected vandalism can be transmitted to a remote location to alert individuals.

The Examiner argued that in alarm systems related to vehicles and homes, it is commonly known to initiate an alarm locally and to transmit an alarm signal to a remote location, and that the fact that Lange includes a switching apparatus E to notify the driver of the vehicle of a cracked lens, enforces the need to want to alert any persons of interest of the cracked lens. The Examiner concluded that for these reasons it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings by Jessup and Nesbitt to not provide a local alarm, but also to transmit an alarm signal to a remote location.

This combination is not supported by references. Crack monitoring of the light transmissive shield in Lange would more likely fall within a category of monitoring for conditions such as an open/close state of a car door, a open/close state of a car trunk, or

low fuel level monitoring, and so forth. For such systems, the vehicle driver is the person who is a natural recipient of the information as he is best positioned to take remedial action, if and when necessary. Lange does not suggest or contemplate the possibility of transmitting or communicating a signal to a remote location, representative of a state of the motor vehicle headlight. Lange does not envision an apparent need or usefulness for communicating such information to a remote location. Therefore, not only does Lange not teach or suggest remote monitoring or communication of a lighting system condition to a remote location but also there is *no suggested desirability to make such a modification to Lange*.

Jessup, while disclosing an alarm mechanism configured to initiate an alarm action in response to a crack in the windshield assembly, fails to suggest or teach transmitting a signal indicative of a state of the lighting system to a remote location.

Nesbitt teaches activating a radio to broadcast an alarm report to a reporting device that is remote from the vehicle, where the *alarm report is indicative of an act of vandalism*. While Nesbitt may teach broadcasting an alarm report to a device remote from the vehicle, there is no suggestion in Nesbitt to relate to detection of a crack in a lens. That is, Nesbitt does not consider breakage of a headlamp as warranting remote communication as it does not constitute intrusion or vandalism. Therefore there is no teaching, suggestion or motivation to modify Lange in view of Nesbitt to transmit a signal representative of a state of the lighting system to a remote location.

Applicants here do not contend that any of the cited references, alone, is separately lacking. Rather, the references simply cannot be reasonably combined to read on the pending claims. The motivation and desirability for remote communication of a crack in a lamp lens is simply lacking from all of the references. The purported motivation to combine the references is no more than mere conjecture on the part of the Examiner, and cannot support a *prima facie* case of obviousness.

In view of the arguments hereinabove, Applicants submit the Examiner has failed to establish *prima facie* obviousness of claims 1, 12, 19, 22, 24 and 28. Accordingly, Applicants respectfully submit that independent claims 1, 12, 19, 22, 24 and 28, and claims depending therefrom are allowable and respectfully request the Examiner to reconsider rejection of the claims.

**Conclusion**

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: 11/21/2006

79  
Patrick S. Yoder  
Reg. No. 37,479  
FLETCHER YODER  
P.O. Box 692289  
Houston, TX 77269-2289  
(281) 970-4545